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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,718	05/23/2001	Jiren Gu	30660/205648	2799

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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT	PAPER NUMBER
1773	5

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/864,718	GU, JIREN
Examiner	Art Unit	
D. S. Nakarani	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 May 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-43 is/are pending in the application.  
4a) Of the above claim(s) 1-24 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 25-43 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) 1-43 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6)  Other: \_\_\_\_ .

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### **DETAILED ACTION**

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-24 are, drawn to a process, classified in class 156, subclass 244.11+.
  - II. Claims 25-43 are, drawn to a multi-layer sheet, classified in class 428, subclass 507.
2. The inventions are distinct, each from the other because:
3. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by a materially different process such as laminations preformed polyolefin polymer film of other than polypropylene to a cellulosic substrate by extruding polypropylene between the cellulosic substrate and the polyolefin polymer film and passing through a nip between two rolls.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with Ms. Monique A. Morneault on September 16, 2002 a provisional election was made with traverse to prosecute the invention of Group II, claims 25-43. Affirmation of this election must be made by applicant in replying to this Office action.

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Claims 1-24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

8. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.  
9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rausing et al. (U.S. Patent Re 27,610).

Rausing et. al. disclose a packaging material comprising a paper substrate/polypropylene layer/polyethylene layer (claim 3). Rausing et. al. also disclose intermediate polypropylene be oxidized to lower viscosity. Rausing et. al's substrate is a paper, polypropylene is inherently penetrated in the paper. Rausing et.al. do not disclose thickness of individual layers. Rausing et. al. also do not disclose low density polyethylene and high density polyethylene.

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However given the teaching Rausing et. al. a person of ordinary skill in the art would have found it obvious adjust the thickness of individual layer for desired applications. Rausing et. al's disclosure of polyethylene includes all type of polyethylene.

11. Claims 25-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson et. al (U.S. Patent 4,859,511) in view of Rausing et. al. (U.S. Patent Re 27610) and Osgood, Jr. et. al. (U.S. Patent 4,855,187).

Patterson et. al disclose release sheet comprising base paper extrusion coated with polyolefins such as polyethylene, polypropylene etc. (col. 2, lines 41-44), coated with silicon release coat. Patterson et. al. also suggest base can be two or more layers of polymers (col. 2, line 15-44). Patterson et. al. fail to teach structure such as paper/polypropylene/polyethylene or paper/polypropylene/polyethylene/for base for release coat.

Rausing et. al. disclose structure such as paper/<sup>poly</sup><sub>propylene</sub>/polyethylene structure.

Osgood et. al. disclose a structure such as glassine/primer/ LDPE/Film B. The film B structure is HDPE/PP/HDPE Osgood et. al. also teach film structure such as PP/HDPE/LDPE/glassine (Table).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to coat a laminate of Osgood et. al. or Rausing et. al. with a silicone releases coat to use as a release liner for pressure sensitive adhesive application.

No claims are allowed.

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12. Receipt of Information Disclosure Statement filed May 23, 2001 is acknowledge and has been made of record.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (703) 308-2413. The examiner can normally be reached on Tuesday-Friday from 7:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Paul J. Thibodeau, can be reached on (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
D. S. NAKARANI  
PRIMARY EXAMINER

Nakarani/sp

October 30, 2002